

House Bill 386 (AS PASSED HOUSE AND SENATE)

By: Representative Williams of the 178<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Pierce County and to provide for its powers  
2 and duties; to provide for definitions; to provide for the composition of the board and the  
3 selection and appointment of members; to provide for the qualification, terms, and removal  
4 of members; to provide for oaths and privileges; to provide for meetings, procedures, and  
5 vacancies; to relieve certain officers of powers and duties and to provide for the transfer of  
6 functions to the newly created board; to provide for certain expenditures of public funds; to  
7 provide for compensation of members of the board and personnel; to provide for offices and  
8 equipment; to provide for the board's performance of certain functions and duties for certain  
9 municipalities; to provide for related matters; to provide for submission under Section 5 of  
10 the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the  
15 Board of Elections and Registration of Pierce County, hereinafter referred to as "the board."  
16 The board shall have the powers, duties, and responsibilities of the superintendent of  
17 elections of Pierce County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
18 Election Code," currently being exercised by the judge of the Probate Court of Pierce  
19 County, and the powers, duties, and responsibilities of the Board of Registrars of Pierce  
20 County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

21 **SECTION 2.**

22 The terms "election," "elector," "political party," "primary," and "public office" shall have  
23 the same meanings as set forth in Code Section 21-2-2 of the O.C.G.A. unless otherwise  
24 clearly apparent from the text of this Act; the term "commissioners" means the Board of  
25 Commissioners of Pierce County; and "county" means Pierce County.

**SECTION 3.**

(a) The board shall be composed of five members, each of whom shall be an elector and resident of the county and who shall be appointed as provided in this section.

(b) Two members of the board shall be appointed by the political party which received the highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. Two members of the board shall be appointed by the political party which received the second highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. Each of these respective members appointed by political parties shall be nominated by the party chairperson and ratified by the county executive committee of the respective political party at least 30 days before the beginning of the term of office or within 30 days after the creation of a vacancy in the office. In the event that a political party entitled to appoint a member of the board does not have a county executive committee, such appointment shall be made by the state executive committee of such political party.

(c) The fifth member shall be selected by the four members of the board appointed by the political parties. In the event that the four members appointed by the political parties cannot agree on a fifth member within 30 days after taking office, such members shall submit to the chief judge of the Superior Court of Pierce County a list of not more than four names of persons eligible for such position, and the chief judge shall select the fifth member from such list based upon the information and qualifications of each candidate submitted by the four members appointed by the political parties.

(d) All appointments to the board shall be promptly certified to the clerk of the Superior Court of Pierce County.

(e) In making the initial appointments to the board, the four members appointed by the political parties shall be selected by political parties not later than June 1, 2009. Each political party shall designate one of its appointees to serve a term beginning on July 1, 2009, and ending on June 30, 2011, and until their successors are duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years beginning July 1, 2011, and until their successors are duly appointed and qualified. The other appointees of each political party shall serve terms beginning on July 1, 2009, and ending on June 30, 2013, and until their successors are duly appointed and qualified. Successors to such members shall thereafter be appointed to serve terms of office of four years beginning July 1, 2013, and until their successors are duly appointed and qualified.

(f) The fifth member shall be selected by the four members appointed by the parties no later than 30 days after such four members take office, and such fifth member shall serve from the date of his or her appointment until June 30, 2011, and until his or her successor is duly

appointed and qualified. Successors shall be appointed in the same manner as the initial appointment for a term of office of four years and until a successor is duly appointed and qualified.

(g) At its first meeting in each odd-numbered year, the board shall elect from its members a chairperson.

#### SECTION 4.

(a) No person who holds elective public office shall be eligible to serve as a member of the board during the term of such elective office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Members of the board shall be residents of Pierce County and shall have been registered voters in Pierce County for a period of at least one year prior to the date of their appointment to the board.

(c) No member of the board shall be related by blood or marriage closer than first cousins to any elected official in Pierce County nor shall any member of the board be an agent, an appointed official, or employee of, or work directly for, any agency of state government, Pierce County, or any municipality for which the board conducts municipal elections.

#### SECTION 5.

The appointing authorities shall certify the appointment of each member by filing an affidavit with the clerk of the superior court no later than 15 days preceding the date upon which such members are to take office, stating the name and residential address of the person appointed and certifying such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each such certification on the minutes of the superior court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

#### SECTION 6.

Each member of the board shall be eligible to serve two full terms of office, shall have the right to resign at any time by giving written notice of such resignation to the appointing authority and to the clerk of the superior court, and shall be subject to removal from the board by the appointing authority at any time, for cause, after notice and hearing.

**SECTION 7.**

In the event a vacancy occurs in the office of any appointed member before the expiration of his or her term, by removal, death, resignation, or otherwise, the original appointing authority shall appoint a successor to serve the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

**SECTION 8.**

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

**SECTION 9.**

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. The board shall be responsible for the selection, appointment, and training of poll workers in primaries and elections, and such workers shall be appointed, insofar as is practicable, from lists provided to the board by the county executive committee of each political party.

(b) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. The board shall hold regular meetings and shall meet not fewer than three times per year. Any specially called meeting shall be called by the chairperson or any three members of the board. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review.

**SECTION 10.**

The board shall have the authority to contract with any municipality located within Pierce County for the holding by the board of any primary or election to be conducted within such municipality.

**SECTION 11.**

(a) The board shall be authorized to appoint an election supervisor to generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The election supervisor shall not be a member of the board

and shall not be an elected public official or an officer of a political party or body. The election supervisor may be a part-time employee.

(b) The board shall be authorized to employ additional clerical assistants as needed to carry out the duties and functions of the board.

#### **SECTION 12.**

Compensation for the members of the board, election supervisor, clerical assistants, and other employees shall be fixed by the Board of Commissioners of Pierce County. Such compensation shall be paid wholly from county funds.

#### **SECTION 13.**

The Board of Commissioners of Pierce County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the Board of Commissioners of Pierce County deems appropriate.

#### **SECTION 14.**

The Board of Commissioners of Pierce County shall through its legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

#### **SECTION 15.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2009. Upon this Act becoming fully effective, the judge of the Probate Court of Pierce County and the Board of Registrars of Pierce County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties. On such date, the Board of Registrars of Pierce County shall be abolished.

#### **SECTION 16.**

All laws and parts of laws in conflict with this Act are repealed.